

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

TERON FRANKLIN,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 3:18-CV-0522-MMD-CLB

**ORDER RE: PAYMENT OF FILING FEE**

[ECF Nos. 87, 89]

Before the Court is Plaintiff Teron Franklin's ("Franklin") "motions to order NDOC to reimburse 2<sup>nd</sup> charged filing fee." (ECF Nos. 87, 89.)<sup>1</sup> In this motion, Franklin contends that the Nevada Department of Corrections ("NDOC") is charging him twice for the filing fee in this case because the Judge's initials in the case number changed from CBC to CLB. (*Id.*)

This case was originally assigned to Magistrate Judge Carla Baldwin Carry ("CBC") in October 2018. (ECF No. 1.) The case was dismissed on screening, (ECF No. 6), and Franklin appealed that decision. (ECF No. 11). The Ninth Circuit reversed, in part, the screening order and remanded this case, (ECF No. 13), and thereafter, this case was reopened in this Court on April 13, 2020. (ECF No. 17.) During the period this case was closed on appeal, the undersigned Magistrate Judge changed her name to Carla L. Baldwin ("CLB"). Therefore, Franklin is correct in stating that Case Nos. 3:18-CV-0522-MMD-CBC and 3:18-CV-0522-CLB are one in the same. It appears from Franklin's exhibit D, (ECF No. 89, pg. 9) that the Finance Department at NDOC is under the impression that Franklin owes for two different cases. This is incorrect.

Therefore, Franklin's motion is granted to the extent that NDOC shall not assess a second filing fee for Case No. 3:18-CV-0522. However, Franklin does continue to owe

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<sup>1</sup> ECF Nos. 87 and 89 are duplicate except that ECF No. 89 has exhibits attached.

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2 the Court \$350.00 for a separate case which is Case No. 3:17-CV-0569-MMD-CLB. To  
3 the extent NDOC has assessed Franklin's account an overage for 3:18-CV-0522, those  
4 funds shall be applied to 3:17-CV-0569. Franklin's request for reimbursement is denied.

5 In addition, Franklin has filed several appeals before the Ninth Circuit and each of  
6 those appeals is assessed a separate filing fee. If Franklin has further questions as to  
7 which case he is currently paying a filing fee, he shall contact the Chief of Inmate Services  
8 for the Nevada Department of Prisons.

9 Franklin's motions re filing fee are **GRANTED, in part**, and **DENIED, in part**, as  
10 stated above. (ECF No. 87, 89).

11 The Clerk shall SEND a copy of this order to the Court's Finance Department and  
12 to the Chief of Inmate Services for the Nevada Department of Prisons, P.O. Box 7011,  
13 Carson City, NV 89702.

14 **DATED:** March 23, 2022.

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17 **UNITED STATES MAGISTRATE JUDGE**  
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